

OEWG7 – Joint Statement on International Law (Australia, Colombia, El Salvador, Estonia and Uruguay)

Statement read by Colombia

1. Thank you, Mr Chair. I am delivering this statement on behalf of Australia, El Salvador, Estonia, Uruguay and my own State of Colombia.
2. In July last year, this same cross-regional group presented a Working Paper on convergence language on international law, much of which we were pleased to see reflected in the final 2023 Annual Progress Report. Since that time, and as recommended in the 2023 APR, States have continued to engage in focused discussions and make substantive interventions on international law. We are impressed by the number of Member States delivering such detailed statements on how international law applies to cyberspace and believe that this offers further ground for carving out additional areas of emerging convergence. We welcome the increasing number of national and regional positions being put forward, which contributes to deepening collective understanding on how international law applies in cyberspace.
3. Building upon these discussions and acknowledging the momentum gained in our recent sessions, guided by the insightful questions raised by you, Mr Chair, and your team, we aim to address these elements in this joint statement.
4. States have reaffirmed the cumulative and evolving framework of responsible State behaviour in the use of ICTs, including the previous reports of the OEWG and GGEs, which have been endorsed by the General Assembly. As part of the *acquis*, States have reiterated that international law, and in particular the Charter of the United Nations, is applicable and essential to maintaining peace and stability and promoting an open, secure, stable, accessible and peaceful ICT environment, and States shall fulfil in good faith their obligations under the UN Charter. In the use of ICTs, States have also reaffirmed, in the Second APR, the application of the principles of State sovereignty, sovereign equality and the international norms and principles that flow from sovereignty; non-intervention in the internal affairs of another State; the prohibition on the use of force, and the peaceful settlement of disputes.
5. We believe that deepening common understandings of the application of existing international law to States' behaviour in the use of ICTs is of central importance, as it increases the predictability of State behaviour, contributes to building confidence, lowers the risk of miscalculation and clarifies the consequences of unlawful State behaviour.
6. Chair, in response to your first guiding question, we would like to highlight some further areas of emerging convergence which have been frequently reflected by States in their interventions since the group began its work in 2021.
7. These areas of emerging convergence include recognition that:
 - States must respect and protect human rights and fundamental freedoms both online and offline, in accordance with their respective obligations;

- States must meet their international obligations regarding internationally wrongful acts attributable to them under international law, which includes reparation for the injury caused; and
 - International humanitarian law applies to cyber activities in situations of armed conflict, including, where applicable, the established international legal principles of humanity, necessity, proportionality and distinction.
8. Among other elements presented in our previous Working Paper, we would like to reaffirm that in addition to articles 2(3) and 33, Chapter VI of the Charter of the United Nations more broadly provides for the pacific settlement of disputes, which is applicable to States' conduct in cyberspace.
 9. It is important to continue to discuss and exchange ideas to generate a common understanding of how States envision the future. The establishment of a future permanent mechanism to advance the responsible behavior of States in the use of ICTs in the context of international security could offer a framework to accommodate these informed and structured discussions. Dedicated thematic groups, including on international law issues, could be part of an action-oriented future permanent mechanism and useful for these purposes.
 10. We also acknowledge the importance of continuing discussions on how international law applies in cyberspace within the OEWG, as well as the importance of building capacity in the area so that all States can participate meaningfully in these critical discussions that are key to preventing conflicts and maintaining peace and security. Building capacity on the application and implementation of international law may also assist with the achievement of the Sustainable Development Goals, including the promotion of peace, justice and strong institutions in accordance with SDG 16.
 11. Addressing your question on how scenario-based discussions could be conducted within the framework of the OEWG, and how this Working Group could collaborate with and build upon existing initiatives in this regard, we propose that these discussions be integrated into the schedule of OEWG events for 2024, particularly the intersessional meetings in May, as well as in future POC directory simulation exercises. Narrowing down the scenario-based discussions to address specific international law topics would help to focus the exchange of views. Also, the discussions may take place in coordination with expert briefings. To ensure wide participation, a hybrid format should be preferred.
 12. Furthermore, considering the additional capacity building resources that will be available for States in the future, such as the updated UNODA cyber diplomacy e-learning course and the POC directory capacity-building materials, it would be beneficial to integrate a practical module within the POC directory with simulation exercises that enable participants to apply the knowledge acquired.
 13. Finally, regarding examples of existing scenario-based exercises that assist with capacity-building, we would like to highlight the excellent work conducted by UNIDIR with the event "International Law and the Behavior of States in the Use of ICTs", held in November 2023; as well as the availability of the Cyber Law Toolkit, which includes 28 scenarios on the application of international law to cyberspace. Also, we acknowledge the importance of several side events to the Substantive Sessions of the OEWG that also used hypothetical scenarios to apply international law to cyberspace. We believe that the experiences of those involved in

developing scenario-based discussions and resources could be shared during the May intersessional session.

14. Thank you.